

Article - Natural Resources

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§5–608.

(a) (1) (i) Any person engaged in a forest products business shall have a forest product operator's license issued by the Department.

(ii) The license is secured from the Department for every type of forest products manufacturing plant.

(iii) Before any sawmill or other plant is erected for the manufacture of lumber or other forest products or when the location of any manufacturing plant is to be changed, the location shall be reported to the Department prior to erection of the plant or the change of location.

(2) An applicant for a license shall:

(i) Submit to the Department an application on the form that the Department provides;

(ii) Demonstrate compliance with the Maryland Workers' Compensation Act under Title 9 of the Labor and Employment Article; and

(iii) Pay to the Department a fee set by the Department in an amount not to exceed the costs of carrying out this section.

(3) The term of a license is 1 year.

(b) Each person to whom this subtitle applies shall:

(1) Leave conditions favorable for regrowth. Any forest land on which cuttings are made shall be left by the operator in a favorable condition for regrowth, in order to maintain sufficient growing stock to supply raw materials for industry and furnish employment for forest communities continuously, if possible, or without long interruption;

(2) Leave young growth. As far as feasible, every desirable seedling and sapling shall be protected during logging operations. Except where unavoidable in logging, immature trees may not be cut for any purpose except to improve the spacing, quality, and composition or conditions for restocking, or to obtain timber or wood for home use;

(3) Arrange for restocking land after cutting by leaving trees of desirable species of suitable size singly, or in groups, well distributed and in a number to secure restocking. If the board approves, however, clear-cutting may be performed;

(4) Maintain adequate growing stock after partial cutting or selective logging. Rules and regulations of the Department, defining standards of forest practice to obtain and maintain adequate growing stock in the different forest types, may vary with different forest types of the State;

(5) Conduct timber harvesting operations in accordance with the sediment and erosion control standards under Title 4 of the Environment Article;

(6) Accurately report to the Department the quality, quantity, and species of firewood sold or delivered in accordance with Title 11 of the Agriculture Article;

(7) Comply with the terms of any applicable federal, State, or local permit, license, or approval;

(8) Complete and submit to the Department an annual timber consumption report; and

(9) Comply with the standards of practice adopted by the Department.

(c) (1) The Department may suspend or revoke the license of a forest product operator for failure to comply with this subtitle.

(2) Before suspending or revoking a license under this subsection, the Department, in accordance with Title 10, Subtitle 2 of the State Government Article, shall:

(i) Send by registered or certified mail written notice of the basis of the suspension or revocation to the license holder at the last known address of the license holder; and

(ii) Hold a hearing on the license suspension or revocation if the license holder requests the hearing within 2 weeks after receiving the written notice.

(3) A person aggrieved by a final decision of the Department in a contested case relating to a license suspension or revocation under this subsection may appeal as authorized under §§ 10-222 and 10-223 of the State Government Article.

(d) The provisions of this section do not apply to cutting firewood and timber for domestic use for the owner or his tenant, but apply to all cutting not specifically excepted.

(e) In a civil action before a court of competent jurisdiction, a person who suffers damages as a result of a violation of this section by a license holder may recover court costs and reasonable attorney's fees.

(f) The Department may adopt regulations to implement this section.

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